

October 18, 2004

Office of General Council
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Complainant:

Dale A Clausnitzer
11160 Vista Sorrento Pkwy., Apt. 302
San Diego, CA 92130

RE: MUR 5474

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 OCT 20 P 1:04

I filed the above complaint in June of 2004. The general nature of the complaint was the illegal use of corporate assets in connection with a federal election.

On September 9, 2004, I sent a letter requesting the FEC to expedite the review and file an injunction to prevent the further violations of election laws by the corporation Dog Eat Dog Films, Inc. In my September 9, 2004 letter, I included a news article that stated Dog Eat Dog Films, Inc. and Michael Moore's intention to broadcast the film Fahrenheit 911 just prior to the election.

It is my understanding from news releases that there has been a complaint similar in nature to mine filed by the Democrat National Committee against Sinclair Broadcasting for the "potential" airing of the documentary film, "Stolen Honor".

I have not seen the actual complaint, however, there have been numerous press releases, interviews and public accusations by DNC officials as to the nature of the Sinclair Broadcasting complaint. These complaints by the DNC essentially match my complaint against Dog Eat Dog Films, Inc.

"We filed a complaint with the FEC arguing that this was an in-kind contribution, an illegal in-kind contribution to the Bush Campaign"

"It is essentially a 90 minute political commercial masquerading as a documentary"

"We don't expect the television networks are going to air phony documentaries that are essentially attack ads against one candidate or another"

"We are arguing quite clearly that this is a violation of FEC law, of election law, if you will, that it constitutes an in-kind, an illegal in-kind corporate contribution."

- Howard Wolfson, Senior Advisor to the DNC
taken from the PBS Newshour website, 10/12/2004

While our complaints are similar in that Sinclair Broadcasting and Dog Eat Dog Films, Inc are making illegal corporate contributions to federal candidates, there are significant issues that differentiate the complaints and help to enforce my original complaint.

The DNC has filed a complaint against Sinclair Broadcasting for an event that has not taken place yet.

In the Citizens United complaint (MUR 5467), the attorneys for Michael Moore and respondents asked the FEC to take no action on the complaint based on the fact that the respondents were ~~not~~ about to "violate the laws and therefore no violation had yet occurred. The FEC position was that it could not "entertain complaints based on mere speculation that a person may violate the law at some future date" and dismissed the complaint. The commission further referred to MUR 4960 (Hilary Rodem Clinton for Senate). The DNC complaint allegations are similar to Citizens United (MUR 5467) in that the event they are complaining about and any related infraction has not taken place. In the Commission's response to the Citizens United complaint, the Commission's position could likely fit the DNC complaint:

"Thus, the instant complaint presents nothing more than idle, unsupported speculation. The Commission should not entertain a complaint that offers no more than the simple fact of legal conduct prior to the cutoff date as support for an allegation that illegal conduct will occur after the cut off date. Nor should the commission keep this matter open to ascertain whether Respondents will act in a manner contrary to their firm representations. To do either would invite misuse of the enforcement process to harass political opponents in legal conduct and would leave an unwarranted cloud over respondents' activities"

In my complaint against Dog Eat Dog Films, Inc and Respondents (MUR 5474), I believe that violations have already occurred by using corporate assets of Dog Eat Dog Films, Inc, (i.e., Fahrenheit 911 film, MichaelMoore.com website, Fahrenheit 911 website, free web links to political advocacy web sites, etc. to advocate the defeat of a federal election candidate. Also, because respondents have and continue to violate Federal Election Laws and have announced (through the USA Today news article dated 9/08/2004), that they intend to televise the film Fahrenheit 911 before the November election, "a move he (Michael Moore) hopes will help tip votes against President Bush", I believe that it is essential for the FEC to take action. The broadcast of the film "Fahrenheit 911" has been intentionally linked through public and corporate use to specific political advocacy. The documentary "Stolen Honor" has not been used in such a manner.

The DNC 's complaint is filed against a corporation engaged in the dissemination of news and news related issues.

In checking the Sinclair Broadcasting website, unlike the Dog Eat Dog Films, Inc corporate web sites, I found no links to political advocacy groups, no commentary advocating political action for or against a federal candidate and no "free" Kerry Edwards campaign stickers (Kerry Edwards campaign bumper stickers were being offered for free on 10/18/2004 on the MichaelMoore.com

website - see attached copy). Instead, Sinclair Broadcasting is asking for comments and also allowing John Kerry airtime to respond to the documentary.

For a corporation established as a media outlet to disseminate news or information about a federal candidate, even if it is negative, does not, on its' own constitute an in-kind corporate contribution to his/her opponent. If that were the standard established by the FEC, then based on the recent study by the Center for Media Affairs which analyzed the news coverage of the current Presidential Campaign from June 1 to September 2, 2004, ABC, NBC and CBS would all be guilty of the same illegal in-kind corporate contribution to the John Kerry Campaign that the DNC is accusing Sinclair Broadcasting of. In their study, the Center for Media Affairs measured positive and negative news reports on both candidates. Based on their analysis, "evaluations of John Kerry were positive by a two to one margin, while evaluations of George W. Bush were over 60% negative. (<http://www.cmpa.com/documents/04.09.08.Summer.Campaign.pdf>).

A more specific and striking example could be drawn from the September 8, 2004 Dan Rather/CBS 60 Minutes news piece on President Bush's national guard service. There can be no argument that the piece was intentionally negative toward President Bush as a news piece, but, neither the DNC nor the Kerry campaign filed complaints or even publicly objected to it - nor have they posted to their respective election campaign reports an in-kind contribution from CBS. They therefore do not really believe that a "negative" report about a particular candidate's past actions aired by a corporate news organization actually constitutes an illegal in-kind corporate contribution to the opposing candidate. In fact, the DNC and Kerry campaigns used the 60 Minutes news piece in their own campaigns to bolster their own political ads - an action that they certainly would not have taken if they really believed the news piece to be an illegal corporate in-kind contribution.

Some have publicly defended Michael Moore, Dog Eat Dog Films, Inc. and the film Fahrenheit 911 as a documentary and not political advocacy because, "you have to pay to see it."

Federal Election Law does not distinguish the use of corporate assets for political purposes on the basis of whether you paid for an admission fee. It forbids the use of corporate assets for political purposes. When the corporate assets Fahrenheit 911, MichaelMoore.com, Fahrenheit911.com are all 'linked' to political advocacy through corporate web sites, they become subject to Federal Election laws and are required to abide by the same laws as any political advocacy.

The mere fact that an admission fee was paid to view the film as a corporate asset when viewed as an entertainment film does not exempt it from Federal Election Laws when it is then used for political advocacy. The fact that an admission fee was charged may establish the value of the corporate contribution, but, does not establish whether it was or wasn't a corporate contribution. The establishment of whether it is a corporate contribution is determined by how it is used in a political manner in coordination with other political entities to advocate for or against a federal candidate.

There are other entertainment events such as political fund raisers that charge an "admission" or contribution fee and often include the dissemination of information about a candidate. Because these events advocate a political issue or candidate, these events are still considered political and subject to all applicable election laws, including filing reports of income (admissions) and expenditures.

There have been claims that Fahrenheit 911 is a documentary and therefore, not subject to Federal Election Laws.

There is nothing new about lying, but there is something new about all these new, cheap digital ways of lying, especially in the world of small self-contained documentaries. Anyone working in mainstream print or broadcast journalism knows the "standards and practices" rules, knows where ethical "true north" is, and knows when the rules are broken.

- from UC Berkely The Center for New Documentary

In my original complaint, I dispute that the film is a documentary because it meets none of the industry standards for a documentary.

However, even if extremely loose standards are applied and Fahrenheit 911 may be argued to have been a documentary, when the corporate asset is "linked" on Dog Eat Dogs Films, Inc. corporate web sites (MichaelMoore.com and Fahrenheit911.com) it becomes a corporate asset being used in an advocacy roll in a federal election. In that use it becomes subject to Federal Election Law.

For the documentary, "Stolen Honor", there has been no such linkage, public or corporate, which advocates political action in the federal elections. If Sinclair Broadcasting - or for that matter- ABC, CBS, NBC, FOX - were to allow the use of their corporate website to advocate the defeat of a candidate for federal office and also allow free web links to political groups that do advocate and are subject to federal election laws, then they too would be subject to Federal Election Laws. Sinclair Broadcasting has not crossed that line, but, clearly, Dog Eat Dog Films, Inc. has and Michael Moore has publicly stated that he intends to continue by using the assets of Dog Eat Dog Films, Inc. for political advocacy .

Request

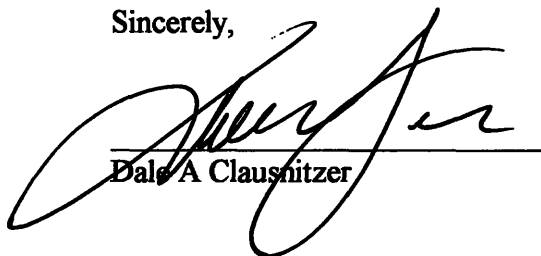
I believe that the September 18, 2004 court rulings in Shay & Meehan v. FEC enforcing the original intent of the Bipartisan Campaign Reform Act have strengthened the issues raised in my original complaint.

The legislative intent of recent election law and regulation of 'soft money' is clear, federal elections should be run fairly and openly, with all parties subject to the same rules. Allowing the connections and use of millions in corporate assets to circumvent the Federal Election Commission and the BCRA in order to influence a federal election would be in direct conflict to the legislative intent and violate Supreme Court decisions which have held that preventing distortions in the political process that might result from allowing corporations to spend their general treasury funds to express their political views creates potential for 'distortion' in the election process.

It should also be noted that the BCRA and existing regulations do establish guidelines in which political advocacy can be accomplished, but, Dog Eat Dog Films, Inc and the respondents have ignored them and continue to blatantly defy the laws and regulations established to insure a fair election process (see attachment from michaelmoore.com from 10/18/2004).

Given the time frame of an important election, I am again requesting that you expedite my complaint and take immediate and appropriate action to have all respondents comply with Federal Election Laws.

Sincerely,


Dale A Clausnitzer

10-18-04
Date

PS. My apologies for addressing multiple claims in this letter, but, as you know, I have not been given any responses from the respondents and therefore am unaware of their specific claims addressed to my complaint.

25044120421

Welcome to...

MICHAELMOORE.COM

JOIN OUR MAILING LIST!



EMAIL:

FAHRENHEIT 9/11

WHAT DO I DO NOW?

THE MOVIE?

RESOURCES

THE SOLDIERS

FACTS IN FAHRENHEIT 9/11

MIKE'S ACTION GUIDE

MUST READ

NEWS ROOM

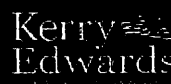
WAR ROOM

LINK O'WEEK

MIKE'S HOW-TO VOTING GUIDE

VOTER REGISTRATION DEADLINES AND LOCATIONS -- ABSENTEE BALLOTS -- POLLING PLACES -- AND MORE...

Click it, Print it, Post it...



Problem registering or voting?
CALL 1-866-OUR-VOTE

ACT

ELECTION COUNTDOWN

14 days 4:14:02

CLICK TO ACT NOW

Free 'Fahrenheit 9/11' rentals at participating video stores...

Are you writing an Article about the Slacker Uprising Tour? Click here for...

PRESS RELEASE + RESOURCES

CALLING ALL PHILLY AREA SLACKERS

Please Join us at the Liacouras Center (details below)

Tickets are \$5, \$10, and \$15

Listen to Michael Moore on NPR's Fresh Air on Monday

VOTER REGISTRATION ENDS TODAY IN

California, Iowa (by mail), Kansas, South Dakota, and Washington

VOTER REGISTRATION ENDS TOMORROW IN

Connecticut



WILL THEY EVER TRUST US AGAIN

LETTERS FROM THE WAR ZONE

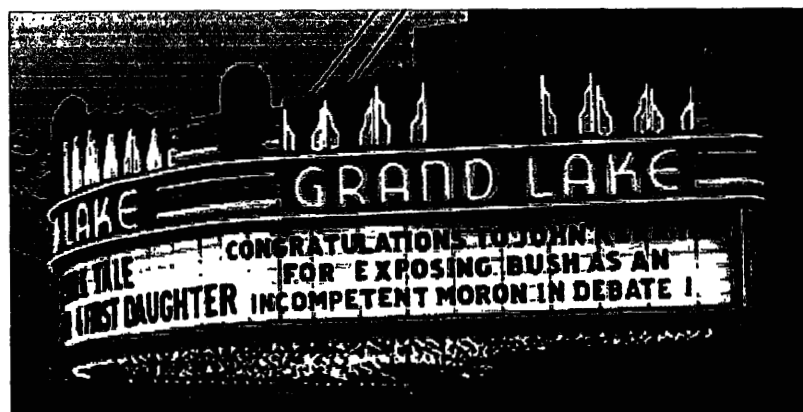
THE OFFICIAL
FAHRENHEIT 9/11
READER



ON SALE NOW!

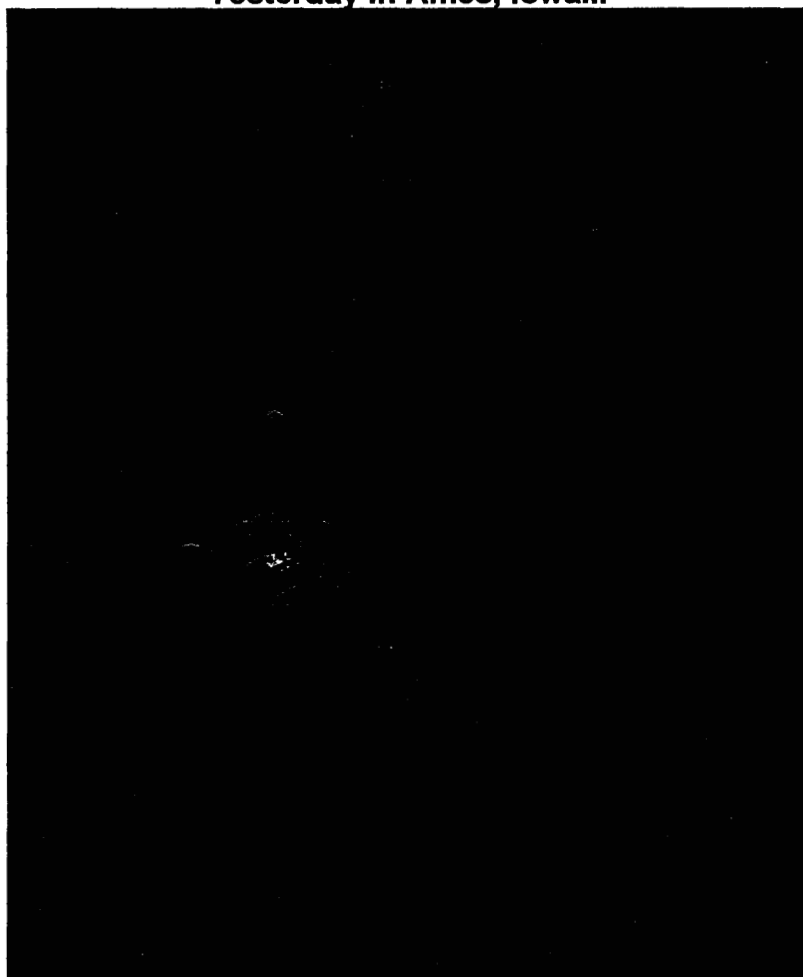
MIKE'S LETTER

REPUBLICANS, OUT OF IDEAS, ASK PROSECUTORS TO ARREST MICHAEL MOORE



Oakland's historic Grand Lake Theater does it again

Yesterday in Ames, Iowa...



PAST 'SLACKER UPRISING TOUR' APPEARANCES

Wednesday, October 6th, 2004

Dear Friends,

You may have heard by now that the Michigan Republican Party has called for my arrest. That's right. They literally want me brought in on charges — and hope that I'm locked up.

No, I'm not kidding. The Republican Party, yesterday, filed a criminal complaint with the prosecutors in each of the counties where I spoke last week in Michigan.

Read on...

MIKE'S BLOG

Someone Has Stolen Both the Brains AND the Sense of Humor from the Michigan Republican Party

October 7th, 2004 11:41 am

Michael Moore filed a theft complaint with the Lansing City Police today stating that "some has stolen both the brains AND the sense of humor from the Michigan Republican Party."

The brains were locked in a box where they were placed after the last moderate Republican governor of Michigan retired in 1980. The party's "sense of humor" was not valued at more than \$100 and therefore its theft.

Read on...

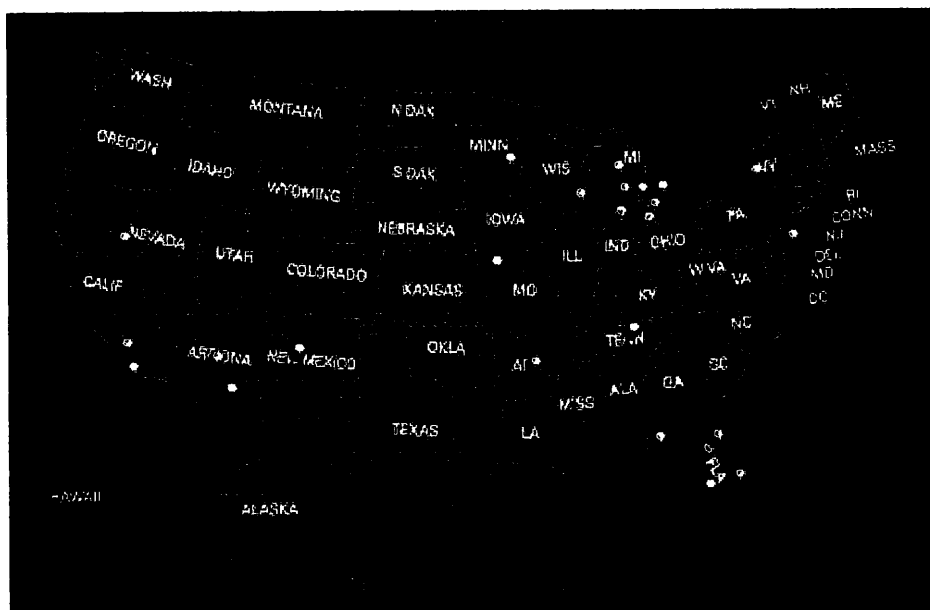
More Soldier Letters...

Too many to fit in one book...
(an online companion)

"...I knew we were doing a good thing for people of Iraq..."

"I am the grandmother of a soldier who joined the army when he was a senior in high school."

"...bush might have a problem cause we a bunch of pissed off Joes..."



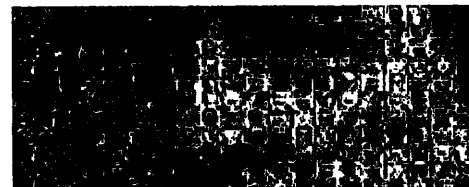
UPCOMING SEALKER UPRISING TOUR APPEARANCES

- Sunday, October 17th**
- Iowa State University**
Hilton Coliseum
Ames, Iowa
7 30 PM (**free event** - first come, first serve)
- Monday, October 18th**
- University of Oregon**
Lane County Event Center
Eugene, Oregon
12 00 noon (**tickets available online**, through UofO Ticket Office charge by phone at 541-346-4363 or at the **Erb Memorial Union**)
Shuttle service to the event 12th and Kincaid every 10 minutes 10 30 AM-11 45 AM
From the event 13th & Monroe immediately following the event
- Willamette University**
The Pavilion
Salem, Oregon
7 00 PM (Sold Out)
- Tuesday, October 19th**
- Portland State University**
Urban Plaza
Portland, Oregon
12 00 noon (free event - first come, first serve - rain or shine)
Sponsored by the **21st Century Democrats Young Voters Project**
- Key Arena**
Seattle, Washington
7 30 PM (tickets can be purchased through **Foolproof** or **TicketMaster** - a limited number of tickets may be

"He has lost 25% of his hearing and he h. the shakes."

"I'm in a bunker in Mosul, Iraq, getting mortared daily..."

FACES OF THE FALLEN



VIEW AT **The Washington Post**

American Military Deaths in Iraq

THIS JUST IN...

October 15th, 2004



With 30 States Poised to Smack Down Women's Rights Again, Oprah Slaps Bus

October 15th, 2004

A Short, Educational Film Strip

October 15th, 2004

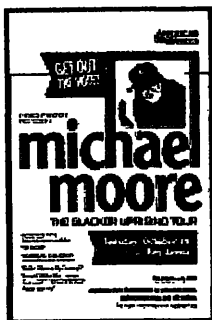
Citing Safety Concerns, Platoon Defies Orders in Iraq; 17 Arrested

October 15th, 2004

Absentee Ballots Need Extra Postage

October 14th, 2004

available at the door)
Foolproof Performing Arts Series



Click image
to download
high resolution
Seattle poster
for print and
distribution

**Wednesday,
October
20th** **Utah Valley State College**
McKay Events Center
Orem, Utah
12 00 noon (**Sold Out**)

Luther College
Regents Center
Decorah, Iowa
8 00 PM (for charge-by-phone tickets or ticket
information, call 563-387-1357 or 563-387-1293)

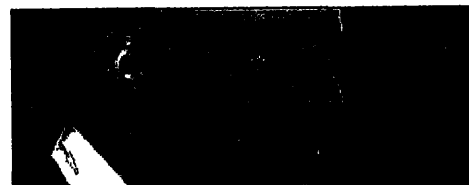
**Thursday,
October
21st** **The Liacouras Center**
1776 N Broad St
Philadelphia, Pennsylvania
7 30 PM (**tickets available now!**)

**Friday,
October
22nd** **Pennsylvania State University**
Bryce Jordan Center
State College, Pennsylvania
9 30 PM

**Saturday,
October
23rd** **University of Wisconsin – Stevens Point**
Multi-Activity Center
Stevens Point, Wisconsin
1 00 PM (tickets available at the University Box Office,
800-838-3378)

University of Wisconsin – Green Bay
Weidner Center
Green Bay, Wisconsin
7 00 PM & 9 30 PM (to purchase **tickets**, call 920-465-
2217 or 1-800-328-8587)

Click image
to download
high resolution
Green Bay poster
for print and
distribution



James Baker's Double Life

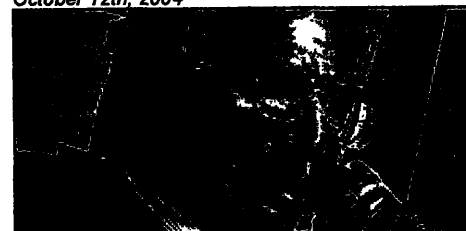
October 14th, 2004
**Florida is Already Teeming with Lawsuits
Charging the State and Its County Electric
Supervisors with Voter Disenfranchisem**

October 13th, 2004



**Why Did My Brother Die in Iraq? - By Dan
Zappala**

October 12th, 2004



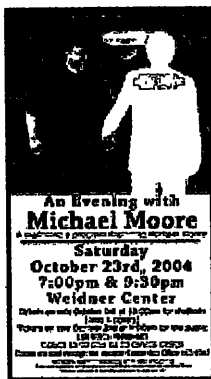
**Investigative Journalist Seymour Hersh
Spills the Secrets of the Iraq Quagmire at
the War on Terror**

October 12th, 2004
**Is Your Cellphone Your Primary Means of
Communication? If So, You Are Not
Represented in Election Polls**

THIS JUST IN...continued

FEATURED

HOW TO HELP LILA AND THE PEOPLE C



Sunday,
October
24th

Kent State University
MAC Center
Cleveland, Ohio
8 00 PM (tickets will be available through **TicketMaster**
or the MAC box office 330-672-2244)



Give yourselves a round of applause

FLINT

**VISIT A SWING STATE, GET BUSH OUT!
DRIVING VOTES CAN HELP.**

**PEOPLE ARE TALKING ABOUT
'FAHRENHEIT 9/11'...CHECK OUT WHAT
THEY'RE SAYING**

**PETER DAVIS' ACADEMY AWARD-WINNI
"HEARTS AND MINDS" IS BACK IN
THEATERS. DON'T MISS THE
OPPORTUNITY TO SEE THIS CLASSIC O
THE BIG SCREEN.**

**GEORGE BUTLER'S DOCUMENTARY,
"GOING UPRIVER: THE LONG WAR OF
JOHN KERRY," IS NOW IN THEATERS. B
SURE TO CHECK IT OUT.**

**ARE YOU A TEACHER PLANNING ON
SHOWING F911 TO YOUR STUDENTS?
THEN THE FAHRENHEIT 9/11 TEACHER'
GUIDE IS FOR YOU.**

**READ FREE CHAPTERS FROM CRAIG
UNGER'S *House of Bush, House of Saud*
AND DAN BRIODY'S *The Iron Triangle:
Inside the Secret World of the Carlyle Gr***

**SOLDIERS AND VETERANS, SHARE YOU
STORY HERE!**

HEY MIKE | MAILING LIST | THE STORE